

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW YORK METHODIST HOSPITAL AND
MSO OF KINGS COUNTY, LLC, A SINGLE EMPLOYER
Employer

and

Case No. 29-RC-172398

1199 SEIU, UNITED HEALTHCARE WORKERS EAST
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election, Supplemental Report on Challenges, and Supplemental Decision on Objections and Certifications of Representative is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., December 22, 2016.

¹ In denying review, we do not rely on the Regional Director's citation of *Shane Steel Processing*, 353 NLRB 522 (2008), or *Unisys Corp.*, 354 NLRB 825 (2009), which are two-member Board decisions. See *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010).

In denying review of the Regional Director's Decision and Direction of Election, Member Miscimarra notes that he does not necessarily agree with the holding in *St. Vincent Charity Medical Center*, 357 NLRB 854 (2011), cited by the Regional Director. He nevertheless agrees that a self-determination election was properly directed in this case. More generally, Member Miscimarra continues to adhere to his dissenting views regarding the Election Rule. See Election Rule, 79 Fed. Reg. at 74430-74460 (dissenting views of Members Miscimarra and Johnson); *id.* at 74434-74441 (dissenting views regarding the Final Rule's acceleration of the pre-election timeline).